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Attorney for Defendant
LUIS C. RODRIGUEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | No. 1:05-cr-00063 OWW |
| |) | |
| <i>Plaintiff,</i> |) | STIPULATION TO CONTINUE STATUS |
| |) | CONFERENCE AND RESET MOTION |
| v. |) | BRIEFING SCHEDULE AND ORDER |
| |) | THEREON |
| LUIS C. RODRIGUEZ, |) | |
| |) | Date: January 9, 2006 |
| <i>Defendant.</i> |) | Time: 1:30 p.m. |
| |) | Judge: Hon. Oliver W. Wanger |
| _____ |) | |

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, DAVID L. GAPP, Assistant United States Attorney, counsel for Plaintiff, and ERIC V. KERSTEN, Assistant Federal Defender, counsel for Defendant Luis C. Rodriguez, that the date for status conference in this matter may be continued to January 9, 2006. It is also requested that a new motion briefing schedule be ordered. It is requested that any additional motions may be filed by December 5, 2005; that any response or opposition may be filed by January 3, 2006; and that status conference and hearing on the motions may be set for January 9, 2006. **The date currently set for status conference is December 12, 2005. The requested new date is January 9, 2006.**

The reason for this request is that Mr. Rodriguez' residence and its curtilage were searched both with, and without, a warrant during and after his arrest. Defense counsel has just discovered grounds to challenge the warrant and additional time is needed to brief the issue. Time is also requested to allow for further efforts to reach a negotiated settlement of this case.

1 The parties agree that the delay resulting from the continuance shall be excluded as necessary for
2 effective defense preparation pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), and for the filing of pretrial
3 motions and ruling thereon pursuant to 18 U.S.C. §§ 3161(h)(1)(F).

4
5 McGREGOR W. SCOTT
6 United States Attorney

7 DATED: November 21, 2005

8 By /s/ David L. Gappa
9 DAVID L. GAPPA
10 Assistant United States Attorney
11 Attorney for Plaintiff

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13 QUIN DENVIR
14 Federal Public Defender

15 DATED: November 21, 2005

16 By /s/ Eric V. Kersten
17 ERIC V. KERSTEN
18 Assistant Federal Defender
19 Attorney for Defendant
20 Luis C. Rodriguez

21
22 **ORDER**

23 **IT IS SO ORDERED.** The intervening period of delay is excluded in the interests of justice
24 pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and 3161(h)(8)(B)(iv).

25 DATED: November 23, 2005

26 /s/Oliver W. Wanger
27 OLIVER W. WANGER, Judge
28 United States District Court
Eastern District of California